

STANDING COMMITTEE ON CYBERSPACE LAW

Minutes of Meeting

October 23, 2003

A meeting of the Committee was held at noon on October 23d, 2003 by telephone conference call.

Members attending were Dan Appelman, Scott Hervey, Vito Costanzo, Michael Dergosits, Lucy Goldenhersh, Rudy Guyon, Marla Hoehn, Sue Krennek, Andy Serwin, Mike Stern, Konrad Trope, Nina Yablok, Greg Goonan and Maureen Young.

Also attending were Melinda Dempsy (membership application in process) and Jeff Selman and Deny Rice (advisory members).

Approval of Minutes from September 25th Meeting.

Dan reviewed the minutes from the September 25th meeting. There were no changes and the minutes were approved as circulated.

Review of "To Do" Items from September 25th Meeting.

All "to do" items were done. Good job, everyone.

Membership.

Dan reported that the Executive Committee will meet on October 24 to consider the applications of Melinda Demsky and Clara Martin. If they are appointed, there will be one remaining membership slot. Melinda has referred Mike Callahan, the General Council of Yahoo!. Dan is attempting to talk with Mike to determine whether he is really interested. Other Committee members are invited to refer other prospects.

Reports from Subcommittees.

a. Report from Legislative and Regulatory Subcommittee.

Maureen Young reported on the progress of this subcommittee. The subcommittee met on September 29th and members volunteered to assume responsibility for tracking legislative developments.

Marla will be tracking federal Congressional initiatives. She circulated a report prior to the meeting. She also reported on anti-spam legislation currently being considered in Congress.

Konrad will track federal executive branch and regulatory initiatives. He circulated proposed regulations implementing the Homeland Security Act and proposed regulations by the Copyright Office regarding webcasting performances. Comments re the former are due by December 15. Comments re the latter are due November 24.

Sue will track California legislative initiatives. Sue will try to arrange for Terry Miller or Larry Doyle (the State Bar's legislative counsel) to speak to the Committee at its next meeting. She will also try to arrange for the whole Committee to meet in Sacramento with Miller/Doyle and possibly interested members of the Legislature in February or March. Sue will report on state legislative issues at the next meeting. In general, Marla, Konrad and Sue will each report to the Committee on legislative/regulatory initiatives every other meeting.

Rudy sent an e-mail message on October 21 that identified State Assembly and Senate committees involved in cyberspace-related legislation.

Jeff reported that the State Bar Board of Governors met and approved the affirmative legislative proposal sponsored by the Corporations Committee with substantial input from the Cyberspace Law Committee that provides for the amendment of the Corporations Code to allow for electronic notice of board and shareholder meetings and electronic participation in such meetings. Miller/Doyle will now look for a legislative sponsor for this proposal.

Jeff informed the Committee that the website leginfo.ca.gov is a good tool for tracking the status of bills introduced into the California legislature.

b. Report from Programs and Publications Subcommittee.

SEI (January in Santa Monica). Andy reported that the Committee will sponsor a "hot issues" panel at SEI. He and Andy have volunteered to be on the panel and they are looking for two more speakers. Deadline for Andy to submit speakers names and hot issue topics is October 30. Committee members should give Andy input before that date.

BLS/California Bankers Association (May). Topics have been submitted for a panel and we are waiting to see whether it is approved.

Business Law News needs submissions and wants at least one article per year from each standing subcommittee. Dan asks Nina or Andy to determine deadline for submission of articles for Winter BLN issue.

c. Report from Website Subcommittee.

Michael D. reported that Mike Moore will now accept new content for our website. Michael and Nina will look at what's there now and will propose updates at the next meeting. In the meantime, members should submit new content and their bios to Michael asap.

d. Report on Outreach.

Dan explained the purpose of the Outreach subcommittee, including searching for new members and planning how to extend the reach of the Committee to

other members of the bar and the non-lawyer community. Nina volunteered to chair this subcommittee. Additional members would be appreciated.

Discussion of Topical Subcommittees.

Dan circulated an updated list of subcommittees. The list will be posted to the website. Subcommittee membership will always be open, so if you see one you didn't sign up for, let me know. Sue reported for the Privacy subcommittee on new California antispam legislation. Marla reported for the E-Commerce subcommittee on SB27, limitations on use of personal information for direct marketing purposes.

Current Developments.

Greg reported on the Madrid Protocol. US membership becomes effective on November 2, 2003.

Denny reported on the LL Bean case, which advances the understanding of jurisdiction in Cyberspace.

Other Committee Business.

We discussed the meeting schedule and members' preferences for in-person, video or telephone meetings. Consensus to have in-person meetings frequently, at least for awhile.

Next Meeting.

Thursday, November 20, 12-4 p.m.
Heller Ehrman, Los Angeles office (downtown LA)
601 South Figueroa Street
Los Angeles, CA 90017

To Do:

1. Subcommittees report each month.
2. Topical Subcommittees meet, appoint chairs, and report on agendas, chairs and goals for their teams.
3. Dan talk to Mike Callahan re Committee membership.
4. Sue report on State Legislative initiatives.
5. Sue arrange Miller/Doyle attendance at November Committee meeting.
6. Andy finalize panelists for January SEI.
7. Michael D. and Nina report on proposed structural and content changes with updates for website.
8. All members submit bios to Michael D.